

## REMARKS

In paragraph 1 of the Action, claims 1, 3, 5-8, 11-19, 21 & 22 are rejected under 35 U.S.C. § 103(a) as being unpatentable over Charny in view of Cloonan. In addition, in paragraph 2 of the Action, claims 9, 10, 20 and 23-33 are rejected under 35 U.S.C. § 103(a) as being unpatentable over Charny in view of Cloonan and further in view of Momirov. The rejection of claims 1-3 and 5-33 on the above stated grounds is respectfully traversed.

Claim 1, as currently amended, states:

A switching fabric for transmitting data frames to destinations, each data frame specifying a destination, the switching fabric comprising:  
a plurality of input ports...; and  
a plurality of crossbar sections...,  
wherein each input port includes logic for scheduling the transmission of each data cell... to any output port, based upon an ability of a crossbar section to receive the data cells destined for a given output port.

Emphasis added.

It is respectfully submitted that a *prima facie* case of obviousness under 35 U.S.C. § 103(a) has not been established since: (i) there is no suggestion or motivation, either in the references themselves or in the knowledge generally available to one of ordinary skill in the art, to modify the references or to combine reference teachings as suggested in the Action; and (ii) even when combining the cited references as suggested, the prior art references when combined fail to teach or suggest each and every claim limitation. Without both of these elements, a *prima facie* case of obviousness is not established and a rejection under 35 U.S.C. § 103(a) is improper.

See MPEP 2143.

(i) THERE IS NO MOTIVATION TO COMBINE REFERENCES

The mere fact that references can be combined or modified does not render the resultant combination obvious unless the prior art also suggests the desirability of the combination. *In re Mills*, 916 F.2d 680, 16 USPQ2d 1430 (Fed. Cir. 1990).

In the instant case the Action alleges, “a skilled person would recognize the need to implement the availability of the pipes of Cloonan by each scheduler of Charny in transmitting the cells to their destination so to increase the switching capability of Charny/Cloonan switching apparatus.” See Action, pages 3 and 4. Emphasis added. Further, the Action states, “it would make no sense to have multiple crossbar sections in Charny/Cloonan’s switch structure if they cannot be used upon their availability.” See Action, page 17. Emphasis added. Applicants respectfully disagree.

Charny discloses arbiter (32), located in the crossbar unit (24), that has the “responsibility to determine which of the input channels should be able to transmit a cell to particular output channels.” See column 7, lines 10-18. Additionally, Cloonan discloses logic in the crossbar coupled to the pipes in the switch fabric where centralized control logic in the switch controls the pipes to determine which pipe forwards individual content (Fig. 5 and col. 10, lines 35-45). Accordingly, both Charny and Cloonan have a solution to a non-blocking switch structure (e.g., placing the non-blocking logic in the crossbar). Without accepting the Action’s characterization of non-blocking logic, Applicants respectfully submit that no motivation exists to modify the combined references to place the non-blocking logic at the input port.

Additionally, Applicants respectfully disagree with the Action’s rational that, “it would be more practical to have the schedulers at Charny/Cloonan input ports....” See Action, page 17. Emphasis added. Applicants respectfully submit that this conclusory, over-generalized and

unsupported speculation is not an objective reason sufficient to establish *prima facie* obviousness. See, *Ex parte Levengood*, 28 USPQ2d 1300 (Bd. Pat. App. & Inter. 1993).

Since the Action provides no suggestion or motivation to modify the combination of the Charny and Cloonan references, the rejection of claim 1 under 35 U.S.C. § 103(a) is improper.

(ii) THE RESULTING COMBINATOIN FAILS TO TEACH THE CLAIMED LIMITATIONS

Even assuming that it would be proper to combine the references as suggested by the Action (*arguendo*), the resultant combination would still fail to teach or suggest “each input port including logic for scheduling the transmission of each data cell... to any output port based upon an ability of a crossbar section to receive the data cells destined for a given output port.” See claim 1. Emphasis added. As discussed above, both Charny and Cloonan disclose only centralized logic in the crossbar. Charny and Cloonan, taken alone or in combination, each fail to teach or suggest the above cited element of claim 1 and therefore cannot render claim 1 obvious.

As stated above, the suggested modification of the combined prior art references is improper. Additionally, either alone or in combination, the prior art references fail to teach or suggest the above cited element of claim 1. Accordingly, Applicants respectfully submit a *prima facie* case of obviousness under 35 U.S.C. § 103(a) has not been established. Reconsideration and withdrawal of the 35 U.S.C. §103(a) rejection of claim 1 is respectfully requested.

Independent claims 12 and 23 both include a similar element to claim 1. In particular, claim 12 contains the element of scheduling at an input port the transmission of each data cell... based upon an ability of a crossbar section to receive each data cell destined for a given output

*port.* Claim 23 also recites a similar element to claim 12. Accordingly, claims 12 and 23 are patentable over the cited references for the same reasons as those presented for claim 1. Therefore, Applicants respectfully request reconsideration and withdrawal of the 35 U.S.C. §103(a) rejection of claims 12 and 23.

Additionally, in relation to the Action's reference to Momirov in rejecting claim 23, Applicants respectfully submit that Momirov does not cure the deficiencies in Charny and Cloonan stated above. Therefore, for at least the foregoing reasons, it is respectfully requested that the Examiner withdraw rejection of claim 23.

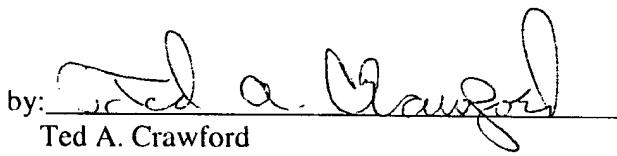
Applicants note that claims 2, 3, 5-11, 13-22 and 24-33 depend from one of patentable base claims 1, 12 or 23. As a result, in addition to any independent bases for patentability, Applicants respectfully submit that claims 2, 3, 5-11, 13-22 and 24-33 are patentable over the cited references by virtue of at least this dependence. Thus, Applicants respectfully requests that the 35 U.S.C. § 103(a) rejections of 2, 3, 5-11, 13-22 and 24-33 be withdrawn.

## Conclusion

For at least the foregoing reasons, Applicants respectfully submit that claims 1-3 and 5-33, are in condition for allowance and such action is earnestly solicited. ***The Examiner is respectfully requested to contact the undersigned by telephone if it is believed that such contact would further the examination of the present application.***

Respectfully submitted,  
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Date: 11/22/04

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